

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

AHRON WILLIAMS,

Plaintiff,

v.

WARDEN RON ERDOS, et al.,

Defendants.

Case No. 1:22-cv-507

Judge Michael R. Barrett

**ORDER**

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on September 23, 2022. (Doc. 3). In the R&R, the Magistrate Judge exercised the Court’s general screening authority and has recommended dismissal of Plaintiff’s Complaint<sup>1</sup> for failure to state a claim upon which relief may be granted. Proper notice was given to Plaintiff Williams (pursuant to 28 U.S.C. 636(b)(1)(C) and Fed. R. Civ. P. 72(b)), including notice that he would waive<sup>2</sup> rights on appeal if he failed to file objections to the R&R in a timely manner. *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the R&R (Doc. 3) were filed.

The R&R (Doc. 3) of the Magistrate Judge is hereby **ACCEPTED** and **ADOPTED**. This civil action is: **DISMISSED** with prejudice (pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii)

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<sup>1</sup> The Magistrate Judge construes Plaintiff’s Complaint to advance claims under 42 U.S.C. § 1983 for unlawful conditions of confinement in violation of the Eighth Amendment and retaliation for exercising his right to file grievances in violation of the First Amendment. (Doc. 3 PAGEID 82–86).

<sup>2</sup> The Sixth Circuit has clarified that failure to object is not a waiver, but instead a *forfeiture*. *Berkshire v. Dahl*, 928 F.3d 520, 530 (6th Cir. 2019) (“Although our cases often use the terms interchangeably, ‘[w]aiver is different from forfeiture.’ Waiver is affirmative and intentional, whereas forfeiture is a more passive ‘failure to make the timely assertion of a right[.]’”) (quoting *United States v. Olano*, 507 U.S. 725, 733 (1993)). “The difference can sometimes be important because forfeited issues may in certain circumstances be considered on appeal.” *Id.* (citing *Harris v. Klare*, 902 F.3d 630, 635–36 (6th Cir. 2018)).

and 1915A(b)(1)) for failure to state a claim upon which relief may be granted; and  
**CLOSED** and **TERMINATED** from the active docket of this Court.

**IT IS SO ORDERED.**

s/ Michael R. Barrett  
Michael R. Barrett, Judge  
United States District Court